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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/601,646	06/24/2003	William Penty Gooder	Q76281	1272
23373	7590	05/23/2005	EXAMINER CHAMBERS, TROY	
SUGHRUE MION, PLLC 2100 PENNSYLVANIA AVENUE, N.W. SUITE 800 WASHINGTON, DC 20037			ART UNIT 3641	PAPER NUMBER

DATE MAILED: 05/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/601,646

Applicant(s)

GOODER, WILLIAM PENTY

Examiner

Troy Chambers

Art Unit

3641

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 17 March 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-51 is/are pending in the application.
- 4a) Of the above claim(s) 6, 7, 14-24 and 27-50 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5, 8-13, 25, 26 and 51 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☒ Claim(s) 1-51 are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Election/Restrictions***

1. Claims 6, 7, 14-24 and 27-50 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected species, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in the reply filed on 03/17/05.

2. Applicant's election with traverse of Species P, Fig. 32 in the reply filed on 03/17/05 is acknowledged. The traversal is on the ground(s) that the Examiner's burden is less than the financial impact on the inventor. This is not found persuasive because the multitude of inventions as disclosed in the numerous claimed independent species would impose a hardship on the Examiner.

The requirement is still deemed proper and is therefore made FINAL.

3. Claims 6 and 7 are hereby withdrawn as being directed to a non-elected Species. Applicant selected Species P as represented by Fig. 32. Claims 6 and 7 require the second forestock to have an attachment point at the buttstock. Clearly, there is no such attachment point in Fig. 32.

### ***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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5. Claims 1-5, 8-15, 25, 26 and 51 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. 3570162 issued to Suddarth.

6. With respect to claim 1, Suddarth discloses a weapon stock having

- |    |                                                               |        |
|----|---------------------------------------------------------------|--------|
| a. | A forestock                                                   | 24     |
| b. | A buttstock                                                   | 14     |
| c. | A first pistol grip between said forestock and said buttstock | 15     |
| d. | An elongated lower second forestock element                   | 52, 72 |
| e. | Second forestock attachment points                            | 30, 50 |

The second forestock 52, 72 as shown in Fig. 2 has a length that is less than the distance between the distal end of the barrel and the buttstock. The second forestock is not integrally formed with the forestock.

7. With respect to claim 2, Suddarth discloses

- |    |                 |        |
|----|-----------------|--------|
| f. | Bracing element | 28, 56 |
|----|-----------------|--------|

8. With respect to claims 3 and 4, bracing elements 28, 56 are capable of being gripped by the hand.

9. With respect to claim 5, second forestock 24 has an attachment point at the first pistol grip 28, 56 as shown in Figs. 1 and 2.

10. With respect to claim 8, refer to Figs. 1 and 2.

11. With respect to claims 9 and 10, the second forestock is capable of CW or CCW rotation about pivot point 30.

12. With respect to claims 11 and 12, the second forestock 52, 72 is not continuous as shown in Figs. 3 and 6.

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13. With respect to claim 13, the second forestock 52, 72 is continuous as shown in Figs. 3 and 6. from the first grip 14 towards the distal end of the barrel.

14. With respect to claim 25, the attachment points 30, 50 of the second forestock 52, 72 are adjustably sliding.

15. With respect to claims 26 and 51, refer to the rejection of the apparatus as discussed above.

16. Claims 1-5, 8-13, 25, 26 and 51 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. 4878305 issued to Gabrielidis.

17. With respect to claim 1, Gabrielidis discloses a weapon stock having

- |    |                                                               |          |
|----|---------------------------------------------------------------|----------|
| g. | A forestock                                                   | 128      |
| h. | A buttstock                                                   | 132      |
| i. | A first pistol grip between said forestock and said buttstock | 138      |
| j. | An elongated lower second forestock element                   | 144, 146 |
| k. | Second forestock attachment points                            | 148, 152 |

The second forestock 144 or 146 as shown in Fig. 2 has a length that is less than the distance between the distal end of the barrel and the buttstock. The second forestock is not integrally formed with the stock.

18. With respect to claim 2, Gabrielidis discloses

- |    |                                  |          |
|----|----------------------------------|----------|
| l. | Bracing element surrounding pins | 148, 152 |
|----|----------------------------------|----------|

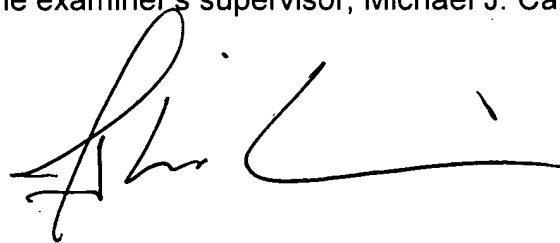
19. With respect to claims 3 and 4, bracing elements surrounding pins 148, 152 are capable of being gripped by the hand.

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20. With respect to claim 5, second forestock 144, 146 has an attachment point at the forestock 128.
21. With respect to claims 8, 9 and 10 refer to Fig. 7, which discloses the second stock 144, 146 as being both parallel and upwardly (or downwardly) inclined.
22. With respect to claim 13, refer to Fig. 7.
23. With respect to claim 25, the attachment points 148, 152 are pivotable.
24. With respect to claims 26 and 51, refer to the rejection of the claimed apparatus as discussed above.

### ***Conclusion***

25. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The prior art cited on form PTO-892 are cited as of interest to show similar weapon stocks.
26. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Troy Chambers whose telephone number is (571) 272-6874 between the hours of 7:00 a.m. to 3:30 p.m., M-F. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael J. Carone, can be reached at (571) 272-6875.

A handwritten signature in black ink, appearing to read "Michael J. Carone", with a long horizontal flourish extending to the right.